

05-19-00280-CR

EX PARTE CHRISTOPHER RION,

Appellant

THE STATE OF TEXAS,

Appellee

FILED IN
In the Court of Appeals
for the Fifth District of Texas
at Dallas
LISA MATZ
Clerk
07/22/2019 1:47:41 PM

**STATE'S FIRST MOTION FOR EXTENSION
OF TIME TO FILE STATE'S BRIEF
(requesting a four-day extension of time)**

The State of Texas respectfully requests, in accordance with the Texas Rules of Appellate Procedure, that this Court grant the State a four-day extension of time to file the State's Brief in this appeal. *See* Tex. R. App. P. 10.5(b), 38.6(d).

In support, the State shows the following:

1. This case is on appeal from the Criminal District Court No. 5 of Dallas County, Texas in cause no. WX18-90101-L.
2. Appellant filed a pretrial application for writ of habeas corpus alleging that the doctrine of collateral estoppel bars the State from prosecuting him for aggravated robbery, and the trial court denied habeas relief.
3. Appellant's brief was due on June 25, 2019, but on that day, appellant filed a motion requesting a six-day extension of time.
4. This Court granted appellant's motion and ordered appellant's brief due on July 1, 2019.

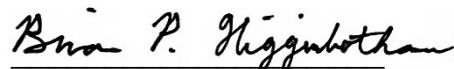
5. Appellant is represented on appeal by counsel, Michael Mowla. The State's Brief is presently due July 22, 2019.
6. The State respectfully requests a four-day extension of time to **July 26, 2019**.
7. The undersigned prosecutor will be unable to complete the State's Brief during the present briefing period for the following reasons:
 - a. The undersigned is representing the State in pre-execution litigation in *The State of Texas v. Patrick Henry Murphy Jr.* (F01-00328-T).
 - b. The undersigned is representing the State in pre-execution litigation in *The State of Texas v. Robert Sparks* (F08-01020-VJ).
 - c. The undersigned is representing the State before this Court in *Teklea Gebreysus v. The State of Texas* (05-19-00063-CR).
 - d. The undersigned is representing the State before this Court in *Gary Don Bloys v. The State of Texas* (05-18-01551-CR).
 - e. The undersigned is representing the State before this Court in *Angel Rivera v. The State of Texas* (05-19-00002-CR).
 - f. The undersigned is representing the State before this Court in *Brandon Velasquez v. The State of Texas* (05-19-00003-CR).
 - g. The undersigned is responsible for responding to applications for writs of habeas corpus on behalf of the State. These duties entail filing

responses in various district courts, preparing proposed findings of fact and conclusions of law, and conducting evidentiary hearings.

- h. The undersigned is a member of trial teams prosecuting several defendants, in separate criminal transactions, for felonies of the first degree.
- 8. This case is set for submission without oral argument on August 13, 2019, so this requested extension will not affect the submission date.
- 9. The State has not previously requested an extension in this case.

The State therefore prays that this Court grant the State's motion and order the State's Brief due on July 26, 2019.

Respectfully submitted,

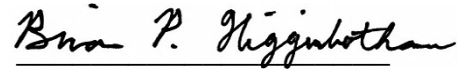


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CERTIFICATE OF SERVICE

I certify that a true copy of this document was served on Michael Mowla as counsel for appellant on July 22, 2019. Service was made via electronic service to michael@mowlalaw.com.



Brian P. Higginbotham